# THE HONORABLE JOHN E. BRIDGES

# SUPERIOR COURT OF THE STATE OF WASHINGTON FOR CHELAN COUNTY

Timothy Borders et al.,

Petitioners,

V.

King County et al.,

Respondents,

and

Washington State Democratic Central Committee,

Intervenor-Respondent.

NO. 05-2-00027-3

SUBPOENA DUCES TECUM TO KING COUNTY

Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, Washington 98101-3099 Phone: (206) 359-8000

Phone: (206) 359-8000 Fax: (206) 359-9000 l

#### TO: CUSTODIAN OF RECORDS, KING COUNTY

YOU ARE HEREBY COMMANDED to appear at the offices of Perkins Coie LLP, 1201 Third Avenue, Suite 4800, Seattle, Washington 98101-3099, on Wednesday, April 20, 2005, commencing at the hour of 9:00 a.m., and then and there to testify as a witness at the request of Intervenor-Respondent Washington State Democratic Central Committee in the above-entitled cause, and to remain in attendance upon the undersigned or other Notary Public until discharged; and to bring with you the following, preferably in electronic form:

- 1. A list of the names of the voters who cast the 566 ballots that, out of the 732 previously uncounted ballots found by King County during the hand recount, were ultimately verified and counted in the hand recount.
- 2. A list of the names of the voters who cast the 166 ballots that, out of the 732 previously uncounted ballots found by King County during the hand recount, were ultimately not verified and counted in the hand recount.
- 3. All documents relating to provisional ballots not counted and coded as "additional research required." The term "document" in this subpoena means any written, typed, graphic, recorded, or electronically stored matter whatsoever. The term "document" thus includes, without limitation, emails, letters, faxes, pictures, files, summaries, spreadsheets, notes, drafts, records, logs and working papers.

ALTERNATIVELY, to avoid the necessity of a deposition, the documents may be produced in the offices of Perkins Coie LLP, 1201 Third Avenue, Suite 4800, Seattle, Washington 98101-3099, on the above-referenced date with a notarized declaration from the Records Custodian in the form of the attached Exhibit A, attesting under penalty of perjury that the enclosed documents are true and correct copies of all of the above-requested records which were kept and maintained by King County in the usual course of business. If

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 testimony by declaration will be provided in lieu of deposition, please notify the undersigned no later than Tuesday, April 19, 2005.

DATED: April 13, 2005.

PERKINS COIE LLP

Kevin L Hamilton, WSBA # 15648 William C. Rava, WSBA # 29948 1201 Third Avenue, Suite 4800

Seattle, WA 98101-3099

Attorneys for Intervenor-Respondent Washington State Democratic Central Committee SPEIDEL LAW FIRM

Russell J. Speidel, WSBA # 12838 7 North Wenatchee Avenue, Suite 600 Wenatchee, WA 98807

JENNY A. DURKAN

Jenny A. Durkan, WSBA # 15751 c/o Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101-3099 1 2

## **EXHIBIT A**

## **DECLARATION OF CUSTODIAN OF RECORDS**

I,, being the duly authorized Custodian of Records, or other
qualified witness at:
say:
That as of the date of this declaration, the attached documents are a true and
complete copy of all records requested in the attached Subpoena Duces Tecum which were
kept and maintained by King County in the usual course of regularly conducted business
activity by King County, which had the regular practice of making and maintaining these
records.
That as of the date of this declaration, I have not supplied the complete
records requested in the attached Subpoena Duces Tecum, and the following records have
been omitted:
That as of the date of this declaration, no records requested in the Subpoena
Duces Tecum are in my possession.
I hereby certify and declare under the penalty of perjury under the laws of the State
of Washington, that the foregoing is true and correct.
[Print Name]

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